

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

G. DANIEL WALKER,

No. 2:20-cv-2243 TLN AC P

Plaintiff,

ORDER

GAVIN NEWSOM, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed a notice of dismissal, a motion for clarification, and an opposition to defendant's request to defer consideration of plaintiff's motion for summary judgment. ECF Nos. 31-33.

Although plaintiff has filed a request to dismiss this action without prejudice (ECF No. 31), it was accompanied by a motion for clarification and opposition to defendant's request to defer (ECF Nos. 32, 33), both of which are dated after the request for dismissal. Since plaintiff has submitted later-dated documents that indicate an intention to continue pursuing this case, he will be required to verify that he is seeking to dismiss this case by completing and returning the attached form.

With respect to plaintiff's motion for clarification, he requests the court clarify its September 1, 2022 order and explain how it knows that defendant's citations referred to page numbers rather than exhibit numbers. ECF No. 32. He also argues that the citations could not

1 have referred to page numbers because his exhibits were unnumbered. Id. Plaintiff is advised
2 that defendant's citations in their motion to defer were in a standard form regularly used for
3 citation, thus informing the court's determination that they were referring to page numbers, not
4 exhibit numbers. Plaintiff is also advised that when documents are received and filed by the
5 Clerk of the Court, they receive an electronic Bates stamp across the top of the document. When
6 documents are accessed from the court's electronic docket, the Bates numbers appear and are
7 regularly used by the court and parties when citing to previously filed documents regardless of
8 how the documents were originally numbered because this provides for a uniform method of
9 citation. Although plaintiff states that his declaration including exhibits was not 126 pages, that is
10 the length of the document received by the court and entered onto the docket at ECF No. 24.¹

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Within fourteen days of the service of this order, plaintiff shall complete and return the
13 attached form clarifying whether he wants to voluntarily dismiss this action. If plaintiff does not
14 return the form, the court will assume that he intends to continue pursuing this case.

15 2. Plaintiff's motion for clarification (ECF No. 32) is GRANTED to the extent
16 clarification has been provided above.

17 DATED: October 6, 2022


18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Plaintiff's motion for summary judgment and statement of facts, which were received at the same time, were entered on the docket as separate filings. See ECF Nos. 23, 25.

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G. DANIEL WALKER,

Plaintiff,

v.

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Defendants.

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PLAINTIFF'S NOTICE ON HOW TO
PROCEED

Check one:

Plaintiff wants to voluntary dismiss this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

Plaintiff wants to proceed with the is case.

DATED: _____

G. Daniel Walker
Plaintiff pro se